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## **FAX TRANSMITTAL COVER SHEET**

DATE: Oct 24, 2008

TO: Examiner **S. Gravini** - USPTO Art Unit: **3749**

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TOTAL NUMBER OF PAGES: 19 including cover sheet

RE: Interview Summary in Appl. No. 10/684,312

This transmission includes:

- Fax Cover Sheet (1 pg)
- Certificate of Transmission (1 pg)
- Interview Summary (responsive) (4 pgs)
- Applicant Initiated Interview Request Form (1pg)
- Copy of Examiner's Interview Summary (12 pgs incl. sketches)

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PTO/SB/97 (09-08)

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- INTERVIEW SUMMARY BY APPLICANT 4 pgs
- APPLICANT INITIATED INTERVIEW REQUEST FORM 1 pg
- COPY OF EXAMINER'S INTERVIEW SUMMARY 12 pgs.

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Appl. No. 10/684,312

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In re application of :

SCHNEIDER, D. G.

Serial No.: 10/684,312

Art Unit: 3749

Filed: October 10, 2003

Examiner: S. Gravini

Atty Docket: DGS001

Confirmation No: 3321

For: COLLAPSIBLE HEATING APPARATUS

**INTERVIEW SUMMARY UNDER 37 CFR 1.133(b)**Assistant Commissioner for Patents  
Alexandria, Virginia 22313-1450

Sir:

In response to an Interview Summary form received from Examiner Gravini and having been mailed from the Office on September 25, 2008, Applicant submits the following responsive Interview Summary as required to make of written record before the Office the substance of the telephonic interview that occurred on September 3, 2008. This response is believed to be timely filed and in compliance with the requirements of 37 CFR 1.133(b) and MPEP 713.04. If this submission is found lacking in any essential respect, the Office is urged to contact the Applicant to expeditiously resolve any such issues.

A copy of the Applicant Initiated Interview Request Form, as well as the Examiner's Interview Summary is attached hereto. Please note that a reply to the most recent Office Action was already filed before the Examiner's Interview Summary was received. References to the 'Applicant' below are understood to mean the named Applicant or a representative duly acting on Applicant's behalf.

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**INTERVIEW SUMMARY BY APPLICANT****RECEIVED  
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Applicant thanks Examiner Gravini for the courtesy extended in a recent telephonic interview.

Applicant has reviewed an Interview Summary prepared by the Examiner and concurs that at least claims 1 and 6 were discussed, as well as others. In the Interview Summary, the Examiner indicates that agreement was reached and outlines a suggestion offered by the examiner early in the conversation. However, Applicant respectfully disagrees that the Examiner's initial suggestion is what was agreed upon. The discussion actually continued on to other avenues that Applicant believes were closer to being mutually agreeable.

For the record, the interview was conducted generally as follows: Before the interview, Applicant sent, via facsimile, a number of images derived from the photographs previously submitted as exhibits for a declaration under 37 CFR 1.131. These images were to assist Applicant in explaining the significance of the showings and to explain the operation of the unit. Applicant understood from the Examiner's remarks in the Final Office Action that image quality had been a problem and sought to provide clearer images to benefit the Examiner's efforts in reviewing the showings on their merits.

During the telephonic interview, Applicant's view of the Deichler reference was briefly explained and then the Examiner was invited to make any suggestions or proposals. Examiner offered a suggestion substantially along the lines of what he later described in his Interview Summary, namely trying to independently claim the volume-varying and size-varying aspects. Applicant then expressed concern over this approach. Consequently, this suggestion was not clearly agreed upon at the time and the discussion continued to further explain the operation of Applicant's invention in contrast to that of Deichler and explore possible interpretations of, or amendments to, the claims to satisfy the Examiner as to the allowability of the claims.

Examiner confirmed that the opening and closing of hinged doors in Diechler is the operation that is construed to meet applicant's recitation as to configuring of a side. Applicant respectfully disagreed but indicated a willingness to clarify, for example, the

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recitation of a 'configuration being selected by a user' by amending the claims, if necessary. Applicant proposed a 'wherein clause' or the like to further qualify the sense in which design aspects lend to configurability by the user, that is, the ability for the user to determine which panel or panels to include or exclude in constructing the unit and where on the unit to attach each panel or panels selected. Applicant explained that the permanently hinged unit of Deichler lacks any ability for the user to selectively include or exclude any of the doors and any ability for the user to change where each door would be attached in the overall unit. Examiner indicated that he would have to further consider that suggestion and was not prepared to decide on the proposal during the interview.

Applicant pointed out that at least claims 4 and 6 already contained language that should make clear that a panel is being selected by a user for inclusion or exclusion in constructing the unit rather than being permanently attached and merely opened or closed. Further, Applicant pointed to claims 11 and 12 to the effect that the side of the frame that is the configurable side, by virtue of selecting and inserting panels, also actively supports the grill or transverse member. No agreement was reached as to allowability based on these points.

Examiner's attention was then drawn to figures in the application and to corresponding images among the photographic exhibits. In particular, Applicant explained a comparison between Sheets 6A and 7A of the faxed images and between analogous Figures 5 and 4 in the application. These figures, as well as Figures 3 and 6, clearly show a restacking or reordering of panels 302, 304, 307 to achieve different configurations. This aspect was also reflected in the photographs for example in Sheets 6A and 7A where changing the grill-supporting height, necessarily required 'restacking' the order of the three different-sized panels that enclosed the backside.

Following this comparison and explanation by Applicant, the Examiner expressed having a better understanding of some aspect of Applicant's invention. The Examiner then offered a suggestion for Applicant to try claiming in terms of providing panels A, B and C of differing dimensions and describing inserting A atop B in some configurations and B atop A in others. Applicant made note of this suggestion but did not agree at that time to adopt that approach. Applicant considered that the selection and relative placement of A and B would already be expressed by Applicant's earlier proposal, e.g. a

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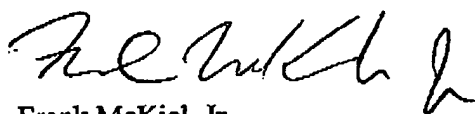
'wherein clause' describing the nature of the configurability afforded a user in constructing a variably arranged side of the unit using a variety of available panels at variable positions. Furthermore, Applicant was concerned that the Examiner's suggested approach may unnecessarily preclude coverage of situations where only a single panel is used in the assembly of a side of the unit (as in Fig. 4), with that panel being selected from a set of candidate panels having different dimensions and achieving the same useful ends of adjusting volume enclosed, coverage of a side and/or grill height.

Examiner suggested somehow expressing in the claims the 'purposefulness' of selecting and placing specific panels to achieve, for example, a desired degree of enclosure in the constructed unit. Applicant indicated that this avenue seemed generally promising, although no specific language was mutually agreed upon. Examiner seemed particularly favorable to Applicant's suggestion of placing some descriptive language of this nature in the middle of the second element in independent claim 1.

#### CONCLUSION

Applicant respectfully submits this Interview Summary as a true and accurate representation of what transpired during the telephonic interview. Applicant appreciates the suggestions and points raised by the Examiner, yet also urges the Examiner to reconsider the allowability of the claims in view of arguments and explanations provided during the conversation.

Respectfully submitted,



Frank McKiel, Jr.

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Date: 10-24-08

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